

RESOLUTION No. 2008-33-720

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING FEES FOR NON-CONSENT TOWING SERVICES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 27th, 2008 the City Council approved Ordinance No. 2008-08-144, establishing provisions for owners of towing companies providing non-consent towing in the City of Miami Gardens, and

Whereas, it is appropriate for the City Council to adopt a fee schedule for non-consent towing services within the City,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. ESTABLISHMENT OF RATES: In accordance with the City of Miami Gardens Towing Ordinance the following fees shall be established for all non-consent towing activities:

MAXIMUM NON-CONSENT TOWING RATE SCHEDULE

Private Property Impound Tow

Class A..... Flat Rate \$105.00
Rate if released on scene..... \$52.50

Class B..... Flat Rate \$183.50
Class C..... Flat Rate \$235.00
Class D..... Flat Rate \$300.00

No other fees may be imposed for the first 24 hours the vehicle is in the care, custody and control of the towing operator, **except** applicable storage fees may be charged after

the proper police authority has been notified and the vehicle has been in the possession of the towing operator for at least 6 hours.

Police Directed Tow (First Ten Miles/60 Minutes)

Class A.....	\$105.00
Class B.....	\$183.00
Class C.....	\$235.00
Class D.....	\$300.00

For all police directed Tows the mileage begins at/from the accident scene not from dispatch.

Per mile fee for Police Directed Tow (After first Ten Miles/60 Minutes)

Class A.....	\$ 3.00
Class B.....	\$ 3.50
Class C.....	\$ 4.50
Class D.....	\$ 5.50

Extra Time at Scene for Police Directed Tow

Class A.....	\$ 24.25
Class B.....	\$ 41.25
Class C.....	\$ 58.75
Class D.....	\$ 75.00

First hour to be included in the initial cost per call (Charges are 15 minute intervals).

Tow Company must have the written documentation and approval of the investigating law enforcement agency/officer.

Daily outdoor storage-vehicles 20' or less..... \$ 20.00
After first 6 hours (Chargeable in 24-hour increments)

Daily outdoor storage – vehicles longer than 20'..... \$ 35.00
After first 6 hours (Chargeable in 24-hour increments)

Daily outdoor storage – small personal vehicles..... \$ 10.00
(i.e., motorcycles, ATV's, scooters, etc.) After first 6 hours (Chargeable in 24-hour increments)

Daily indoor storage – vehicles 20' or less..... \$ 25.00
After first 6 hours (Chargeable in 24-hour increments)

Indoor storage rates may only be charged upon the direction and authorization of the owner, lien holder, insurance company representative or investigating police agency.

Daily indoor storage – vehicles longer than 20'\$ 40.00
After first 6 hours (Chargeable in 24-hour increments)

Indoor storage rates may only be charged upon the direction and authorization of the owner, lien holder, insurance company representative or investigative or investigating police agency.

Daily indoor storage – small personal vehicles..... \$ 12.00
(i.e., motorcycles, ATV's, scooters, etc.) After first 6 hours (Chargeable in 24-hour increments)

Indoor storage rates may only be charged upon the direction and authorization of the owner, lien holder, insurance company representative or investigating police agency.

Underwater Recovery Salvage Divers

For First Hour/ per river..... \$125.00
For each additional 15 minutes..... \$ 31.25

(Per ¼ hour or any fraction thereof over the first hour/per diver)

This covers underwater recoveries performed by a certified/professional diver with the written documentation and approval of the investigating law enforcement officer/agency.

Hazardous material clean-up

(Class C & D Only) and disposal as required, mandated and/or licensed through state or local laws and approved by the investigating law enforcement agency/officer. Towing Company prevailing rates

Dollies

Class A (except Private Property Tows)\$ 35.00 per job

Lowboy Services

Tow Rate (hook-up and 1st ½ hour at scene..... \$235.00

Per Towed Mile after first 5 miles \$ 4.50

Extra Labor/waiting time at scene (after first ½ hour) per ¼ hour thereafter\$ 58.75

Towing Permit Fees

Annual Towing Permit fee \$ 500.00

Section 4. ADMINISTRATIVE FEES:

A maximum charge not exceeding \$30.00 (not as an automatic "add-on", but only when required to comply with Florida Statutes) may be imposed by the Company for administrative services, processing of paperwork, clerical work or title research. Administrative charges refer to and include verification of VIN, search of vehicle for ownership information, preparation of paperwork required by Florida Statutes,

preparation and mailing of the notification letter. The Company will be required to justify additional letters and charges. Hence, no other charges such as special inspection, release charges, or additional Company's administrative fees may be imposed.


Section 5. ADDITIONAL RESTRICTIONS:

- A. The applicable tow rate structure (Class "A", Class "B", or Class "C") shall depend upon the requirements of the towed vehicle rather than the actual tow truck used; i.e. if a Class "B" wrecker is used to tow a sedan, the Class "A" rate structure shall be the basis for charges imposed. If Company elects to use a car carrier in lieu of a dolly tow when only a dolly tow is required; the lower rate shall apply except if owner or police officer specifically requests use of the car carrier.
- B. Waiting time and extra labor cost; i.e. "Retrieving", special handling, accomplished within sixty (60) minutes of arrival at the scene shall be included in the base tow rate. If, and only if, such waiting time or extra labor consumes more than sixty (60) minutes, an extra waiting time or extra labor charge per fifteen (15) minutes or any fraction thereof, may be assessed by the Company commencing sixty minutes after arrival at the scene.
- C. Daily storage charges shall be predicated upon each twenty-four hour period, such charges beginning at the actual time of impounding, e.g. 1:00 p.m. Monday, to 12:59 p.m. Tuesday, will represent one storage-charge day. Pursuant to Florida Statutes 713.78(2), no storage fee shall be charged if such vehicle is stored for less than six hours.
- D. Whenever an impounded vehicle is claimed by the owner, he/she shall be furnished with an itemized statement of all charges for the impounding of the vehicle. The Company shall receive from vehicle owner a receipt and release for the vehicle and all personal property therein, and the Company shall retain receipts for one year.
- E. The City of Miami Gardens shall not be held responsible or liable to the Company for non-payment of any towing or storage fees to the Company by the owner of the vehicle.

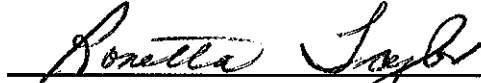
Section 6.

EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 27th, 2008.


SHIRLEY GIBSON, MAYOR

ATTEST:



RONETTA TAYLOR, CMC, CITY CLERK

Reviewed by : Sonja Dickens, City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson

SECONDED BY: Councilman Campbell

VOTE: 6-1

Mayor Shirley Gibson	<u>x</u> (Yes)	<u> </u> (No)
Vice Mayor Barbara Watson	<u>x</u> (Yes)	<u> </u> (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	<u> </u> (No)
Councilman Aaron Campbell	<u>x</u> (Yes)	<u> </u> (No)
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u>x</u> (No)
Councilman Oscar Braynon, II	<u>x</u> (Yes)	<u> </u> (No)
Councilman André Williams	<u>x</u> (Yes)	<u> </u> (No)

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City of Miami Gardens

1515-200 NW 167th Street
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Melvin L. Bratton
Councilman Oscar Braynon II
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman André Williams

Agenda Cover Page

Date: **February 27th, 2008**

Fiscal Impact: No ☐ Yes ☒

(If yes, explain in Staff Summary)

Funding Source: **General Fund**

Contract/P.O. Requirement: Yes ☐ No ☒ Advertising requirement:

Sponsor Name/Department: **Dr. Danny O. Crew, City Manager**

Public hearing ☐

Ordinance ☐

1st Reading ☒

Advertising requirement:

Quasi-Judicial ☐

Resolution ☒

2nd Reading ☐

Yes ☒ No ☐

RFP/RFQ/Bid # **N/A**

Title

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING FEES FOR NON-CONSENT TOWING SERVICES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary

Tow company operators'/service providers' are engaged in the towing immobilization of vehicles within the City either as the result of a consent or non-consent tow. The towing practices and maximum towing fees have heretofore been exclusively regulated by Miami-Dade County. In order to control the maximum allowable towing rates locally we have assumed regulation of these non-consent towing operators'/service providers and now need to impose the non-consent towing rates.

Recommendation

It is recommended that the City Council adopt this resolution, thereby establishing the maximum allowable non-consent towing rates within the City.

Attachment.

**J-9) CONSENT AGENDA
RESOLUTION**
Fees for Non-Consent Towing
Services